

1-1 By: Ellis S.B. No. 1611
1-2 (In the Senate - Filed March 14, 2003; March 20, 2003, read
1-3 first time and referred to Committee on State Affairs;
1-4 April 30, 2003, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 30, 2003,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1611 By: Ellis

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the determination and clarification of certain dates,
1-11 deadlines, and procedures under the Election Code.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 1.006, Election Code, is amended to read
1-14 as follows:

1-15 Sec. 1.006. EFFECT OF WEEKEND OR HOLIDAY. (a) If the last
1-16 day for performance of an act is a Saturday, Sunday, or legal state
1-17 or national holiday, the act is timely if performed on the next
1-18 regular business day, except as otherwise provided by this code.

1-19 (b) If the last day for performance of an act is extended
1-20 under Subsection (a), the extended date is used to determine any
1-21 other dates and deadlines, and the dates or times of any related
1-22 procedures, that are expressly required to be made on a date or at a
1-23 time determined in relation to the last day for performance of the
1-24 act.

1-25 SECTION 2. Section 67.003, Election Code, is amended to
1-26 read as follows:

1-27 Sec. 67.003. TIME FOR LOCAL CANVASS. Each local canvassing
1-28 authority shall convene to conduct the local canvass at the time set
1-29 by the canvassing authority's presiding officer:

1-30 (1) on the seventh day after election day for:
1-31 (A) the general election for state and county
1-32 officers; or

1-33 (B) an election of a political subdivision that
1-34 is held jointly with the general election for state and county
1-35 officers; or

1-36 (2) not earlier than the third day or later than the
1-37 sixth day after election day for an election other than an [the
1-38 general] election described by Subdivision (1) [for state and
1-39 county officers].

1-40 SECTION 3. Subsection (d), Section 86.007, Election Code,
1-41 is amended to read as follows:

1-42 (d) A marked ballot voted by mail that arrives after the
1-43 time prescribed by Subsection (a) shall be counted if:

1-44 (1) the ballot was cast from an address outside the
1-45 United States;

1-46 (2) the carrier envelope was placed for delivery
1-47 before the time the ballot is required to arrive under Subsection
1-48 (a); and

1-49 (3) the ballot arrives at the address on the carrier
1-50 envelope not later than:

1-51 (A) the fifth day after the date of:
1-52 (i) the general election for state and
1-53 county officers; or

1-54 (ii) an election of a political subdivision
1-55 that is held jointly with the general election for state and county
1-56 officers; or

1-57 (B) the second day after the date of an election
1-58 other than an [the general] election described by Paragraph (A)
1-59 [for state and county officers].

1-60 SECTION 4. Subsection (a), Section 87.125, Election Code,
1-61 is amended to read as follows:

1-62 (a) The early voting ballot board shall convene to count
1-63 ballots voted by mail described by Section 86.007(d) at the time set

2-1 by the presiding judge of the board ~~[on]~~:

2-2 (1) on the sixth day after the date of:

2-3 (A) the [a] general election for state and county

2-4 officers; or

2-5 (B) an election of a political subdivision that
2-6 is held jointly with the general election for state and county
2-7 officers;

2-8 (2) on the second [~~fifth~~] day after the date of a
2-9 primary [~~or special~~] election, at a time following the last mail
2-10 delivery, or on an earlier day or at an earlier time if the early
2-11 voting clerk certifies that all ballots mailed from outside the
2-12 United States have been received; or

2-13 (3) not earlier than the third day or later than the
2-14 fifth day after the date of an election other than an election
2-15 described by Subdivision (1) or (2).

2-16 SECTION 5. Subsection (a), Section 143.005, Election Code,
2-17 is amended to read as follows:

2-18 (a) A city charter may prescribe requirements in connection
2-19 with a candidate's application for a place on the ballot for an
2-20 office of a home-rule city. This section does not authorize a city
2-21 charter requirement in connection with the timely filing of an
2-22 application, and any charter requirement related to an
2-23 application's timely filing is superseded by Section 143.007 and
2-24 other applicable filing provisions prescribed by this code.

2-25 SECTION 6. (a) Except as provided by Subsection (b) of
2-26 this section, this Act takes effect September 1, 2003.

2-27 (b) Sections 1 and 5 of this Act take effect immediately if
2-28 this Act receives a vote of two-thirds of all the members elected to
2-29 each house, as provided by Section 39, Article III, Texas
2-30 Constitution. If this Act does not receive the vote necessary for
2-31 immediate effect, Sections 1 and 5 of this Act take effect September
2-32 1, 2003.

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